

Supervisor of Records
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl.
San Francisco CA 94102
cityattorney@SFCITYATTY.ORG
sent via email to Supervisor of Records

Our ref.
#72056

Date
2019-05-08

RE: SF Sunshine Ordinance petition against City Attorney, ref 72056

To the Supervisor of Records of the City and County of San Francisco:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

This petition is addressed to you in your capacity as Supervisor of Records, with regards to the actions of your office, in its City Attorney capacity. I am not an attorney and not aware of whether any case law does or does not permit you to direct your own office, in a different capacity, to provide us with public records in accordance with the Sunshine Ordinance and California Public Records Act.

On April 20, 2019, I made an anonymous request (see Attachment 1) for public records to your office in its City Attorney capacity.

Unsatisfied with the City Attorney's response, on May 8, 2019, I filed an anonymous complaint with the SF Sunshine Ordinance Task Force (see Attachment 2) regarding my experience. Included in the attachment are exhibits detailing the request, the City Attorney's responses, and my reasoning that the response of the City Attorney was inadequate under the Sunshine Ordinance and the California Public Records Act, all of which I incorporate into this petition.

In parallel with the Task Force complaint, I am anonymously petitioning you under SF Admin Code

Sec 67.21(d)¹ to, within 10 days, direct your office, in its City Attorney capacity, to: (1) provide us with the full public records requested, numbered A{3,4,5,6} in Attachment 1, and (2) provide in writing any justifications for withholding specific parts of the responsive records.

encl: Attachment 1 – April 20, 2019 request

encl: Attachment 2 – Complaint Filed with SF Sunshine Ordinance Task Force, including Exhibits A, B, and C

¹"(d) If the custodian refuses, fails to comply, or incompletely complies with a request described in (b), the person making the request may petition the supervisor of records for a determination whether the record requested is public. The supervisor of records shall inform the petitioner, as soon as possible and within 10 days, of its determination whether the record requested, or any part of the record requested, is public. Where requested by the petitioner, and where otherwise desirable, this determination shall be in writing. Upon the determination by the supervisor of records that the record is public, the supervisor of records shall immediately order the custodian of the public record to comply with the person's request. If the custodian refuses or fails to comply with any such order within 5 days, the supervisor of records shall notify the district attorney or the attorney general who shall take whatever measures she or he deems necessary and appropriate to insure compliance with the provisions of this ordinance."

Attachment 1 - request sent to cityattorney@SFCITYATTY.ORG

San Francisco City Attorney
PRA Office
Room 234
1 Doctor Carlton B Goodlett Place
SF, CA 94102

April 20, 2019

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:
20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:
<20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:
20190418173050.1.2B43534B4544D903@requests.muckrock.com

A4. the e-mail message with Message-Id:
<20190418173050.1.2B43534B4544D903@requests.muckrock.com>

A5. the e-mail message with Message-Id:
<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:
DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

Attachment 2 - Task Force complaint

SUNSHINE ORDINANCE TASK FORCE

Room 244 - Tel. (415) 554-7724; Fax (415) 554-7854

1 Dr. Carlton B. Goodlett Place

San Francisco CA 94102

cc: City Attorney (cityattorney@SFCITYATTY.ORG)

sent via email and fax to Task Force, email to City Attorney

Our ref.

#72056

Date

2019-05-08

RE: SF Sunshine Ordinance Complaint against City Attorney, ref 72056

To Whom It May Concern:

NOTE: Every response you send or provide (including all responsive records) may be automatically and immediately visible to the general public on the MuckRock.com web service used to issue this request. (I am not a representative of MuckRock)

A. METADATA:

Complainant Name: (Anonymous - use email 72056-97339218@requests.muckrock.com)

Date of Request: April 20, 2019

Complaint Against Employees: Dennis Herrera (Herrera) in his official capacity as city attorney, Elizabeth A. Coolbrith (Coolbrith) in her official capacity as paralegal for city attorney

Complaint Against Agency: Office of City Attorney

Yes - Alleged violation of public records access

Yes - Alleged failure to provide information in a timely manner in accordance with the provisions of the Sunshine Ordinance

No - Alleged violation of a public meeting

B. NARRATIVE:

On April 20, 2019 we sent a San Francisco Sunshine Ordinance (Ordinance) and California Public Records Act (CPRA) request to the City Attorney – enclosed herein as Exhibit A, which also includes the communication back and forth with the City Attorney’s office and Coolbrith. On April 22, 2019 Coolbrith replied on behalf of Herrera with records responsive to part "B" and asking for clarification on part "A", to which I replied on the same day. On April 23, 2019 Coolbrith notified us our request would not be treated as an Immediate Disclosure request.

On April 24, 2019 Coolbrith provided us “two emails [that] are responsive to portions A3/A4, and A5/A6 of your request.” (with the responsive records provided as Exhibit B and Exhibit C).

I replied on the same day as follows:

Thank you. As we noted in our initial request, we requested the entire email message, which contains numerous other headers in addition to those you have provided so far.

We do not see any statutory justification cited for withholding that portion of the public record. Please do provide the entire message with all headers (except those statutorily excluded from disclosure).

The MuckRock.com system automatically sent a reminder to City Attorney on May 8, 2019, to which Coolbrith replied on the same day in part:

We already completed our response to your request on April 24, 2019. We do not intend to produce anything further in response to your request.

I replied on the same day, in part:

Your PDFs include From, To, Subject, Sent, Attachments, and Body of the emails. You have withheld certain portions of the email records, including but not limited to:

- Header: X-Envelope-From
- Header: Received
- Header: Thread-Topic
- Header: X-Originating-Ip
- Header: Thread-Index
- Header: Sender
- Header: X-Originatororg

Please provide a statutory justification for such withholding, and the name and title of the official responsible for that withholding, per CPRA.

Since I had previously requested the entire email message with full headers and statutory justification, I proceeded to file this complaint.

C. COMPLAINTS:

I make the following allegations. I am not an attorney, so my understanding is associated with proper sections of the law to the best of my (lay) ability.

1. Violations of SF Admin Code Sec. 67.27. Justification Of Withholding

On April 24, 2019 and May 8, 2019, Coolbrith's responses did not justify withholding portions of the responsive email records (namely the headers, which we had specifically requested in our original request and April 24, 2019 reply). No statutory nor case law authority was provided.

2. Violations of SF Admin Code Sec. 67.26. Withholding Kept To A Minimum

On April 24, 2019, responsive records as provided in attachments to Coolbrith's response (Exhibits B and C) did not withhold the minimum necessary portions of the emails requested. While it may be argued that some of the headers of an email could be withheld for privacy reasons (though we do not concede such point), that does not mean the City Attorney can withhold all portions of the email other than From, To, Subject, Sent, the attachments, and the email body.

Furthermore, information that is clearly public record was withheld by converting the email record to PDF format in the specific manner that the City Attorney did. For example, the From header in one of the PDFs states "Coolbrith, Elizabeth (CAT) on behalf of CityAttorney." The original e-mail record would include the email address of "Coolbrith, Elizabeth (CAT)" and "CityAttorney" instead of just their names - these are official, public employee email addresses that there is no reason to withhold.

3. Violations of SF Admin Code Sec. 67.21. Process For Gaining Access To Public Records; Administrative Appeals.

67.21(b) ("...If the custodian believes the record or information requested is not a public record or is exempt, the custodian shall justify withholding any record by demonstrating, in writing as soon as possible and within ten days following receipt of a request, that the record in question is exempt under express provisions of this ordinance...") was violated by Coolbrith's April 24, 2019 response wherein she did not indicate that the City Attorney believed the remaining portion (other headers) of the emails we requested were exempt, and on May 8 as well when Coolbrith indicated they would not disclose any more records without any justification.

67.21(i) ("The San Francisco City Attorney's office shall act to protect and secure the rights of the people of San Francisco to access public information and public meetings and shall not act as legal counsel for any city employee or any person having custody of any public record for purposes of denying access to the public. ") was violated since it is the City Attorney itself denying us access to a portion of the email record.

67.21(l) ("Inspection and copying of documentary public information stored in electronic form shall be made available to the person requesting the information in any form requested which is available to or easily generated by the department...") was violated on April 24, 2019 since Coolbrith provided the emails requested in PDF format and not the raw/original format stored by the email

servers. This original format (which we specifically requested) contains those additional headers we requested.

4. Violations of CA Govt Code 6253.9

6253.9(a)(1) (“...The agency shall make the information available in any electronic format in which it holds the information....”) was violated for reasons stated under the third paragraph of complaint #3. We specifically asked for emails in the format the agency held them in. Emails are not held in PDF format by email servers.

5. Violations of CA Govt Code 6253

6253(a) (“Any reasonably segregable portion of a record shall be available for inspection by any person requesting the record after deletion of the portions that are exempted by law.”) was violated for reasons stated under complaint #2. Portions of the responsive email records that are not exempt under the law were deleted.

6. Violations of CA Govt Code 6255

6255(a) was violated for reasons stated under complaint #1.

D. RELIEF REQUESTED

SF Admin Code Sec 67.30 provides in part that “The City Attorney shall serve as legal advisor to the task force. The Sunshine Ordinance Task Force shall, at its request, have assigned to in an attorney from within the City Attorney's Office or other appropriate City Office, who is experienced in public-access law matters. This attorney shall serve solely as a legal advisor and advocate to the Task Force and an ethical wall will be maintained between the work of this attorney on behalf of the Task Force and any person or Office that the Task Force determines may have a conflict of interest with regard to the matters being handled by the attorney.” I ask the Task Force to keep in mind the possible conflicts of interest apparent in an attorney from the Office of City Attorney investigating complaints against the City Attorney itself.

I ask for the Task Force to direct the City Attorney to produce the full emails we originally requested, with redaction of only those headers (if any) that can be justified legally and explicitly. I ask the Task Force to direct that emails be produced by San Francisco agencies subject to the Sunshine Ordinance in their original format, preserving headers, except those that can be withheld with explicit justification. I ask for a hearing, to the extent possible given my desire to remain anonymous.

I do not believe adequate relief is available under SF Admin Code Sec 67.21(d) since the City Attorney is also the Supervisor of Records. However, we reserve our right to petition the Supervisor of Records in that capacity, separate from his capacity as the local agency responsible for responding to our request under the CPRA.

encl: Exhibit A – Original Request and Communications with City Attorney

encl: Exhibit B – Responsive record titled Email_4.18.19.pdf

encl: Exhibit C – Responsive record titled Email_4.19.19.pdf

Exhibit A

From: Anonymous Person

04/20/2019

Subject: California Public Records Act Request: Immediate Disclosure Request - Em...

Email

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.

We request under the San Francisco Sunshine Ordinance (Ordinance) and the California Public Records Act (CPRA):

"A. an electronic copy, in the original electronic format, with all e-mail headers, metadata, attachments, appendices, exhibits, and inline images, except those explicitly exempted by the Ordinance, of:

A1. the e-mail message with Message-Id:
20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com

A2. the e-mail message with Message-Id:
<20190418173050.839.30844@f720c6d2-4be2-4478-af65-b9b764b16768.prvt.dyno.rt.heroku.com>

A3. the e-mail message with Message-Id:
requests@muckrock.com

A4. the e-mail message with Message-Id:
<requests@muckrock.com>

A5. the e-mail message with Message-Id:
<DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com>

A6. the e-mail message with Message-Id:
DM5PR09MB1497363CAABBE6806E68810F80260@DM5PR09MB1497.namprd09.prod.outlook.com

B. an electronic copy of your internal public records policies/manuals/instructions/guidelines for the public and/or your own employees"

Message-Id's should uniquely identify a particular email on your email servers/services. These may be emails the City sent or received.

We remind you of your obligations to provide electronic records in the original format you hold them in. Therefore, e-mails exported in the .eml or .msg format with all non-exempt headers, metadata, attachments, etc. are best.

However, if you choose to convert emails, for example, to PDF or printed format, to easily redact them, you must ensure that you have preserved the full content of the original email record (as specified in request "A"), which contains many detailed headers beyond the generally used From/To/Subject/Sent/etc. If you instead provide PDFs or printed emails with only a few of the headers or lacking attachments/images, and therefore withhold the other headers/attachments without justification, you may be in violation of SF Admin Code 67.26, 67.27, Govt Code 6253(a), 6253.9, and/or 6255, and we may challenge your decision.

Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the [MuckRock.com](https://muckrock.com) service used to issue this request (though I am not a MuckRock representative).

Please provide only those copies of records available without any fees. If you determine certain records would require fees, please instead provide the required notice of which of those records are available and non-exempt for inspection in-person if we so choose.

I look forward to your immediate disclosure.

Sincerely,
Anonymous

From: San Francisco City Attorney

04/22/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

[Email](#)

Hello,

I am writing in response to your below immediate disclosure request, received today.

Regarding your first request, "A" - could you please provide more context? I am not sure I understand what the emails are or how to locate them based on the information provided.

Regarding your second request, "B", please see below links to the Good Government Guide and to information on the San Francisco Sunshine Ordinance. Our office's internal advice is exempt from disclosure under attorney-client privilege.

<https://www.sfcityattorney.org/good-government/good-government-guide/>

<https://www.sfcityattorney.org/good-government/>

Please send replies
to cityattorney@sfcityatty.org <<mailto:cityattorney@sfcityatty.org>>

Sincerely,

[cid:image003.jpg@01D4F8F6.4D963580]Elizabeth A. Coolbrith
Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

www.sfcityattorney.org

Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>

Twitter<<https://twitter.com/SFCityAttorney>>

Instagram<<https://www.instagram.com/sfcityattorney/>>



image003

 [Download](#)



image001

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From: Anonymous Person

04/22/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

[Email](#)

Message-Ids uniquely identify e-mail messages in your email servers. From the headers of your most recent email, it appears your office uses Microsoft Outlook and/or Microsoft Exchange - therefore, your IT department/contractor should be able to retrieve e-mail records directly from your server using the Message-Ids we have provided.

From: San Francisco City Attorney

04/23/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

[Email](#)

Hello,

I am writing in response to part A of your below request.

Your request was sent as an "Immediate Disclosure Request" under San Francisco Administrative Code Section 67.25(a). But to qualify under that section, the request must be "simple, routine and readily answerable." The Sunshine Ordinance requires shorter response times in those situations where a department is able to quickly locate and produce the requested records. In order to respond to your request, this office will need to conduct a review of our electronic files to find responsive records. For this reason, we are not treating your request as one appropriately filed as an "immediate disclosure" request, but as one which is subject to the normally applicable 10-day response time, which will be May 2, 2019. However, we will endeavor to fulfill your request as soon as possible.

Sincerely,

[cid:image003.jpg@01D4F8F6.4D963580]Elizabeth A. Coolbrith
Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

www.sfcityattorney.org

Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>

Twitter<<https://twitter.com/SFCityAttorney>>

Instagram<<https://www.instagram.com/sfcityattorney/>>



image003

 [Download](#)



image001

 [Download](#)

From: Anonymous Person

04/22/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

[Email](#)

Message-Ids uniquely identify e-mail messages in your email servers. From the headers of your most recent email, it appears your office uses Microsoft Outlook and/or Microsoft Exchange - therefore, your IT department/contractor should be able to retrieve e-mail records directly from your server using the Message-Ids we have provided.

From: San Francisco City Attorney

04/23/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

[Email](#)

Hello,

I am writing in response to part A of your below request.

Your request was sent as an "Immediate Disclosure Request" under San Francisco Administrative Code Section 67.25(a). But to qualify under that section, the request must be "simple, routine and readily answerable." The Sunshine Ordinance requires shorter response times in those situations where a department is able to quickly locate and produce the requested records. In order to respond to your request, this office will need to conduct a review of our electronic files to find responsive records. For this reason, we are not treating your request as one appropriately filed as an "immediate disclosure" request, but as one which is subject to the normally applicable 10-day response time, which will be May 2, 2019. However, we will endeavor to fulfill your request as soon as possible.

Please send replies
to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>

Sincerely,

[cid:image002.jpg@01D4F9EE.FD8B8960]Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org
Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>
Twitter<<https://twitter.com/SFCityAttorney>>
Instagram<<https://www.instagram.com/sfcityattorney/>>



image001

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image002

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From: San Francisco City Attorney

04/24/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ...

[Email](#)

Dear Sir/Madam,

The attached two emails are responsive to portions A3/A4, and A5/A6 of your request below. We have conducted a reasonable and diligent search and did not locate any further responsive documents.

In addition, please note that we already responded to portion B of your request, on 4/22/2019.

If you have further questions or need anything additional, please feel free to reach out to us at the below contact information.

Please send replies
to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>

Sincerely,

[cid:image002.jpg@01D4FA8E.F0958DA0]Elizabeth A. Coolbrith
Paralegal
Office of City Attorney Dennis Herrera
(415) 554-4685 Direct
www.sfcityattorney.org

Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>
Twitter<<https://twitter.com/SFCityAttorney>>
Instagram<<https://www.instagram.com/sfcityattorney/>>



Email 4.19.19

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image001

[Download](#)



image002

[Download](#)



Email 4.18.19

[View](#) [Embed](#) [Download](#)

From: Anonymous Person

04/24/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ... [Email](#)

Thank you. As we noted in our initial request, we requested the entire email message, which contains numerous other headers in addition to those you have provided so far.

We do not see any statutory justification cited for withholding that portion of the public record. Please do provide the entire message with all headers (except those statutorily excluded from disclosure).

From: Muckrock Staff

05/08/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ... [Email](#)

To Whom It May Concern:

I'm following up on the following California Public Records Act request, copied below, and originally submitted on April 20, 2019. You had previously indicated that it would be completed on May 2, 2019. I wanted to check on the status of my request, and to see if there was a new estimated completion date.

Thanks for your help, and let me know if further clarification is needed.

From: San Francisco City Attorney

05/08/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ... [Email](#)

Hello,

We already completed our response to your request on April 24, 2019. We do not intend to produce anything further in response to your request.

Please send replies
to cityattorney@sfcityatty.org<mailto:cityattorney@sfcityatty.org>

Sincerely,

[cid:image002.jpg@01D50583.20D9FFB0]Elizabeth A. Coolbrith
Paralegal

Office of City Attorney Dennis Herrera
(415) 554-4685 Direct

www.sfcityattorney.org

Find us on: Facebook<<https://www.facebook.com/sfcityattorney/>>

Twitter<<https://twitter.com/SFCityAttorney>>

Instagram<<https://www.instagram.com/sfcityattorney/>>



image002

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image001

[Download](#)

From: Anonymous Person

05/08/2019

Subject: RE: California Public Records Act Request: Immediate Disclosure Request - ... [Email](#)

Your PDFs include From, To, Subject, Sent, Attachments, and Body of the emails. You have withheld certain portions of the email records, including but not limited to:

- Header: X-Envelope-From
- Header: Received
- Header: Thread-Topic
- Header: X-Originating-Ip
- Header: Thread-Index
- Header: Sender
- Header: X-Originatororg

Please provide a statutory justification for such withholding, and the name and title of the official responsible for that withholding, per CPRA.

**Note that all of your responses (including disclosed records) may be automatically and instantly available to the public on the MuckRock.com service

used to issue this request (though I am not a MuckRock representative).**

Exhibit B - a responsive email record. note it includes an attachment of a separate CPRA request.

Coolbrith, Elizabeth (CAT)

From: 71969-51399120@requests.muckrock.com
Sent: Thursday, April 18, 2019 10:31 AM
To: CityAttorney
Subject: California Public Records Act Request: Immediate Disclosure Request - PRA Opinions
Attachments: ZX03-190418-0620-20SF20Attorney.pdf

San Francisco City Attorney
PRA Office
Room 234
1 Doctor Carlton B Goodlett Place
SF, CA 94102

April 18, 2019

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.
Please see the attached letter.

Filed via MuckRock.com

E-mail (Preferred): 71969-51399120@requests.muckrock.com

Upload documents directly:

https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2Flogin%2F%3Femail%3Dcityattorney%2540sfcityatty.org%26next%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-pra-opinions-71969%252F%2523agency-reply&url_auth_token=AAAuFPyowSKvISVcsOY___QbVFM%3A1hHAs4%3AOwQe4c_mSkc6wjcWujmU_cmkaGU

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 71969
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.

California Public Records Act Request

Immediate Disclosure Request

Your immediate response is requested.

Date	Our Ref. Num.
2019-04-18	ZX03-190418-06

Please provide the following public records pursuant to the California Public Records Act (the “Act”)¹, the San Francisco Sunshine Ordinance, and Article I of the California Constitution. If the recipient cannot address this request, please forward it to the appropriate official or staff member. “You” and “your,” refer to each of the one or more requestee public agencies, and not merely the individual recipient or member, agent, officer, or employee of the public agency. “Including” means “including but not limited to.” We reserve all of our rights under the Act and other applicable law.

All of your responses, including any disclosed records, secret URLs or file share passwords, may be automatically, instantly, and publicly viewable via the muckrock.com service.

Please be certain all responses are properly redacted. I am not a representative of MuckRock.

We request electronic copies of only those records that will be provided to us without any fees and/or that you waive fees. As we do not want any physical copies, we are not expecting any fees. However, if you determine that you would assess fees to provide us with copies of some or all records (which we may challenge), instead provide us with the fee-free determination of which responsive records exist, so that we may inspect the records instead (for free), if we so choose. As numerous records may be responsive, after providing your statutory response within appropriate deadlines, we are happy to receive record production in a rolling or incremental manner.

Requestee Public Agency

City and County of San Francisco – City Attorney

Requestor

An anonymous member of the public², who may be contacted only via email

¹References to the Act are made with respect to the Cal. Gov’t. Code as listed on https://leginfo.ca.gov/faces/codes_displayexpandedbranch.xhtml?tocCode=GOV&division=7.&title=1.&part=&chapter=3.5.&article=

²Since Act requests are not even required to be in writing (“The California Public Records Act plainly does not require a written request.” *Los Angeles Times v. Alameda Corridor Transp. Auth.* (2001) 88 Cal.App.4th 1381, 1392.) and may not be distinguished by the purpose of the request (Gov’t Code sec. 6257.5), I choose not to use any forms you may have made available for Act requests nor will I identify myself nor provide contact information other than e-mail address. I will not use any private entity’s contracted public records website if doing so would require agreement to terms or privacy policies which impose any conditions beyond the requirements of the Act.

Requests

Electronic copies, via email, of all records prepared, owned, used, or retained by each agency (including all appendices, attachments, inline images, exhibits, or shared files referenced in or by the below requested records, and including all public records that pursuant to *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608 may exist on personal accounts or devices) of any of the following:

- R1. all requests for legal opinion from the City Attorney pursuant to San Francisco Administrative Code 67.21 from January 1, 2010 through April 18, 2019
- R2. all responses to R1, including published and unpublished opinions and refusals to provide an opinion

Note that per Gov't Code 6253.9(a)(1): "The agency shall make the information available in any electronic format in which it holds the information." If you have these records in .msg or .eml formats, please provide a lossless copy of that record in that original format, or in another format that fully preserves all e-mail headers and other metadata. If you instead, for example, print the email to PDF format, we will lose valuable data associated with the record, and you will not have provided us a complete copy of the public record.

In your notice of determination, state whether you have records responsive to each of the requests made. Please cite legal authority for any records or portions thereof withheld³ and the names and titles⁴ of each person responsible for such withholding. Please perform a diligent search for responsive records and examine them before determining they are exempt, as you may find that responsive records have segregable disclosable portions that you must disclose,⁵ which cannot be determined unless you actually search for records.

Please provide all records solely in electronic format⁶ and via e-mail. If a record is available on your public website, a URL is preferable to duplication. If it is not, please consider publishing it so as to benefit the entire public and not just me. If records are too large to provide over e-mail, please use a file sharing service if your agency has one. If you use your file sharing service, and file access would expire, please set the expiration to no less than 30 days after notifying us of record availability. We choose not to provide a mailing address for physical CD-ROMs or USB drives both to preserve anonymity and reduce financial and environmental costs.

All public records "prepared, owned, used, or retained"⁷ by every agency⁸ named must be considered. Under *City of San Jose v. Superior Court* (2017) 2 Cal.5th 608 personal email accounts or mobile devices may contain disclosable public records – please search them as appropriate. If multiple agencies are addressed, a response from each is expected.

Please make note of the reference number (ZX03-190418-06) as I may have sent you multiple,

³Gov't Code sec. 6255

⁴Gov't Code sec. 6253(d)

⁵Gov't Code sec. 6253(a)

⁶Gov't Code sec. 6253.9(a)

⁷Gov't Code sec. 6252(e)

⁸See Gov't Code sec. 6527(e)(5) if you are a joint powers agency or joint powers authority.

distinct requests with different reference numbers.

Please promptly disclose⁹ of all disclosable records responsive to this request, and provide assistance, as needed, in identifying and locating responsive records and overcoming objections to their disclosure,¹⁰ in accordance with the Act, any “requirements for [yourself] that allow for faster, more efficient, or greater access to records,”¹¹ and other applicable laws and regulations.

Thank you for your prompt attention to this matter.

⁹Gov't Code sec. 6253(b)

¹⁰Gov't Code sec. 6253.1(a)

¹¹Gov't Code sec. 6253(e)

Exhibit C

Coolbrith, Elizabeth (CAT)

From: Coolbrith, Elizabeth (CAT) on behalf of CityAttorney
Sent: Thursday, April 18, 2019 12:59 PM
To: '71969-51399120@requests.muckrock.com'
Subject: RE: California Public Records Act Request: Immediate Disclosure Request - PRA Opinions

Hello,

I am writing in response to your immediate disclosure request received April 18, 2019. Please note that we are invoking an extension of time under Government Code section 6253(c) due to the need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records. We will endeavor to process your request as quickly as possible and anticipate responding no later than the close of business May 3, 2019.



Please send replies to cityattorney@sfcityatty.org

Sincerely,

Elizabeth A. Coolbrith

Paralegal

Office of City Attorney Dennis Herrera

(415) 554-4685 Direct

www.sfcityattorney.org

Find us on: [Facebook](#) [Twitter](#) [Instagram](#)

From: 71969-51399120@requests.muckrock.com <71969-51399120@requests.muckrock.com>

Sent: Thursday, April 18, 2019 10:31 AM

To: CityAttorney <cityattorney@SFCITYATTY.ORG>

Subject: California Public Records Act Request: Immediate Disclosure Request - PRA Opinions

San Francisco City Attorney
PRA Office
Room 234
1 Doctor Carlton B Goodlett Place
SF, CA 94102

April 18, 2019

This is an Immediate Disclosure Request under the San Francisco Sunshine Ordinance.
Please see the attached letter.

Filed via MuckRock.com

E-mail (Preferred): 71969-51399120@requests.muckrock.com

Upload documents directly:

<https://accounts.muckrock.com/accounts/login/?next=https%3A%2F%2Fwww.muckrock.com%2Faccounts%2>

[Flogin%2F%3Femail%3Dcityattorney%2540sfcityatty.org%26next%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-pra-opinions-71969%252F%2523agency-reply&url_auth_token=AAAuFPyowSKvISVcsOY___QbVFM%3A1hHAs4%3AOwQe4c_mSkc6wjcWujmU_cmkaGU](https://login%2F%3Femail%3Dcityattorney%2540sfcityatty.org%26next%3D%252Faccounts%252Fagency_login%252Fsan-francisco-city-attorney-797%252Fimmediate-disclosure-request-pra-opinions-71969%252F%2523agency-reply&url_auth_token=AAAuFPyowSKvISVcsOY___QbVFM%3A1hHAs4%3AOwQe4c_mSkc6wjcWujmU_cmkaGU)

Is this email coming to the wrong contact? Something else wrong? Use the above link to let us know.

For mailed responses, please address (see note):

MuckRock News
DEPT MR 71969
411A Highland Ave
Somerville, MA 02144-2516

PLEASE NOTE: This request is not filed by a MuckRock staff member, but is being sent through MuckRock by the above in order to better track, share, and manage public records requests. Also note that improperly addressed (i.e., with the requester's name rather than "MuckRock News" and the department number) requests might be returned as undeliverable.